

108TH CONGRESS
2D SESSION

S. 1167

AN ACT

To resolve boundary conflicts in Barry and Stone Counties
in the State of Missouri.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RESOLUTION OF BOUNDARY CONFLICTS, VI-**
2 **CINITY OF MARK TWAIN NATIONAL FOREST,**
3 **BARRY AND STONE COUNTIES, MISSOURI.**

4 (a) DEFINITIONS.—In this section:

5 (1) The term “appropriate Secretary” means
6 the Secretary of the Army or the Secretary of Agri-
7 culture.

8 (2) The term “boundary conflict” means the
9 situation in which the private claim of ownership to
10 certain lands, based on subsequent Federal land sur-
11 veys, overlaps or conflicts with Federal ownership of
12 the same lands.

13 (3) The term “Federal land surveys” means
14 any land survey made by any agency or department
15 of the Federal Government using Federal employees,
16 or by Federal contract with State-licensed private
17 land surveyors or corporations and businesses li-
18 censed to provide professional land surveying serv-
19 ices in the State of Missouri for Table Rock Res-
20 ervoir.

21 (4) The term “original land surveys” means the
22 land surveys made by the United States General
23 Land Office as part of the Public Land Survey Sys-
24 tem in the State of Missouri, and upon which Gov-
25 ernment land patents were issued conveying the
26 land.

1 (5) The term “Public Land Survey System”
2 means the rectangular system of original Govern-
3 ment land surveys made by the United States Gen-
4 eral Land Office and its successor, the Bureau of
5 Land Management, under Federal laws providing for
6 the survey of the public lands upon which the origi-
7 nal land patents were issued.

8 (6) The term “qualifying claimant” means a
9 private owner of real property in Barry or Stone
10 County, Missouri, who has a boundary conflict as a
11 result of good faith and innocent reliance on subse-
12 quent Federal land surveys, and as a result of such
13 reliance, has occupied or improved Federal lands ad-
14 ministered by the appropriate Secretary.

15 (7) The term “subsequent Federal land sur-
16 veys” means any Federal land surveys made after
17 the original land surveys that are inconsistent with
18 the Public Land Survey System.

19 (b) RESOLUTION OF BOUNDARY CONFLICTS.—The
20 Secretary of the Army and the Secretary of Agriculture
21 shall cooperatively undertake actions to rectify boundary
22 conflicts and landownership claims against Federal lands
23 resulting from subsequent Federal land surveys and cor-
24 rectly reestablish the corners of the Public Land Survey
25 System in Barry and Stone Counties, Missouri, and shall

1 attempt to do so in a manner which imposes the least cost
2 and inconvenience to affected private landowners.

3 (c) NOTICE OF BOUNDARY CONFLICT.—

4 (1) SUBMISSION AND CONTENTS.—A qualifying
5 claimant shall notify the appropriate Secretary in
6 writing of a claim that a boundary conflict exists
7 with Federal land administered by the appropriate
8 Secretary. The notice shall be accompanied by the
9 following information, which, except as provided in
10 subsection (e)(2)(B), shall be provided without cost
11 to the United States:

12 (A) A land survey plat and legal descrip-
13 tion of the affected Federal lands, which are
14 based upon a land survey completed and cer-
15 tified by a Missouri State-licensed professional
16 land surveyor and done in conformity with the
17 Public Land Survey System and in compliance
18 with the applicable State and Federal land sur-
19 veying laws.

20 (B) Information relating to the claim of
21 ownership of the Federal lands, including sup-
22 porting documentation showing that the land-
23 owner relied on a subsequent Federal land sur-
24 vey due to actions by the Federal Government

1 in making or approving surveys for the Table
2 Rock Reservoir.

3 (2) DEADLINE FOR SUBMISSION.—To obtain re-
4 lief under this section, a qualifying claimant shall
5 submit the notice and information required by para-
6 graph (1) within 15 years after the date of the en-
7 actment of this Act.

8 (d) RESOLUTION AUTHORITIES.—In addition to
9 using existing authorities, the appropriate Secretary is au-
10 thorized to take any of the following actions in order to
11 resolve boundary conflicts with qualifying claimants in-
12 volving lands under the administrative jurisdiction of the
13 appropriate Secretary:

14 (1) Convey by quitclaim deed right, title, and
15 interest in land of the United States subject to a
16 boundary conflict consistent with the rights, title,
17 and interest associated with the privately-owned land
18 from which a qualifying claimant has based a claim.

19 (2) Confirm Federal title to, and retain in Fed-
20 eral management, any land subject to a boundary
21 conflict, if the appropriate Secretary determines that
22 there are Federal interests, including improvements,
23 authorized uses, easements, hazardous materials, or
24 historical and cultural resources, on the land that

1 necessitates retention of the land or interests in
2 land.

3 (3) Compensate the qualifying claimant for the
4 value of the overlapping property for which title is
5 confirmed and retained in Federal management pur-
6 suant to paragraph (2).

7 (e) CONSIDERATION AND COST.—

8 (1) CONVEYANCE WITHOUT CONSIDERATION.—
9 The conveyance of land under subsection (d)(1) shall
10 be made without consideration.

11 (2) COSTS.—The appropriate Secretary shall—

12 (A) pay administrative, personnel, and any
13 other costs associated with the implementation
14 of this section by his or her Department, in-
15 cluding the costs of survey, marking, and
16 monumenting property lines and corners; and

17 (B) reimburse the qualifying claimant for
18 reasonable out-of-pocket survey costs necessary
19 to establish a claim under this section.

20 (3) VALUATION.—Compensation paid to a
21 qualifying claimant pursuant to subsection (d)(3) for
22 land retained in Federal ownership pursuant to sub-
23 section (d)(2) shall be valued on the basis of the
24 contributory value of the tract of land to the larger
25 adjoining private parcel and not on the basis of the

1 land being a separate tract. The appropriate Sec-
2 retary shall not consider the value of any Federal
3 improvements to the land. The appropriate Sec-
4 retary shall be responsible for compensation provided
5 as a result of subsequent Federal land surveys con-
6 ducted or commissioned by the appropriate Sec-
7 retary's Department.

8 (f) PREEXISTING CONDITIONS; RESERVATIONS; EX-
9 ISTING RIGHTS AND USES.—

10 (1) PREEXISTING CONDITIONS.—The appro-
11 priate Secretary shall not compensate a qualifying
12 claimant or any other person for any preexisting
13 condition or reduction in value of any land subject
14 to a boundary conflict because of any existing or
15 outstanding permits, use authorizations, reserva-
16 tions, timber removal, or other land use or condition.

17 (2) EXISTING RESERVATIONS AND RIGHTS AND
18 USES.—Any conveyance pursuant to subsection
19 (d)(1) shall be subject to—

20 (A) reservations for existing public uses for
21 roads, utilities, and facilities; and

22 (B) permits, rights-of-way, contracts and
23 any other authorization to use the property.

24 (3) TREATMENT OF LAND SUBJECT TO SPECIAL
25 USE AUTHORIZATION OR PERMIT.—For any land

1 subject to a special use authorization or permit for
2 access or utilities, the appropriate Secretary may
3 convert, at the request of the holder, such authoriza-
4 tion to a permanent easement prior to any convey-
5 ance pursuant to subsection (d)(1).

6 (4) FUTURE RESERVATIONS.—The appropriate
7 Secretary may reserve rights for future public uses
8 in a conveyance made pursuant to subsection (d)(1)
9 if the qualifying claimant is compensated for the res-
10 ervation in cash or in land of equal value.

11 (5) HAZARDOUS SUBSTANCES.—The require-
12 ments of section 120(h) of the Comprehensive Envi-
13 ronmental Response, Compensation, and Liability
14 Act (42 U.S.C. 9620(h)) shall not apply to convey-
15 ances or transfers of jurisdiction pursuant to sub-
16 section (d), but the United States shall continue to
17 be liable for the cleanup costs of any hazardous sub-
18 stances on the lands so conveyed or transferred if
19 the contamination by hazardous substances is
20 caused by actions of the United States or its agents.

21 (g) RELATION TO OTHER CONVEYANCE AUTHOR-
22 ITY.—Nothing in this section affects the Quiet Title Act
23 (28 U.S.C. 2409a) or other applicable law, or affects the
24 exchange and disposal authorities of the Secretary of Agri-
25 culture, including the Small Tracts Act (16 U.S.C. 521c),

1 or the exchange and disposal authorities of the Secretary
2 of the Army.

3 (h) ADDITIONAL TERMS AND CONDITIONS.—The ap-
4 propriate Secretary may require such additional terms and
5 conditions in connection with a conveyance under sub-
6 section (d)(1) as the Secretary considers appropriate to
7 protect the interests of the United States.

8 (i) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary to carry out the purposes of this Act.

Passed the Senate May 19, 2004.

Attest:

Secretary.

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